15.77/4159

The

| VO CE | • | | | |
|--------------|--|------------|-----------|----------------|
| JAN 2 4 2005 | IN THE UNITED STATES F | PATENT AND | TRADEMAR | RK OFFICE |
| Koike et al | cation of |) | Examiner: | Ortiz, Edgardo |
| Filing Date | 10/760,022 e: October 26, 1998 niconductor Devices and |) | Art Unit: | 2815 |
| | nufacturing Methods | | | |

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sirs:

In response to the Election/Restriction Requirement in the Office Action dated December 16, 2004, the response being due by Tuesday, Jan. 18, 2005 (Jan. 17 was a federal holiday), please enter the following.

Applicant respectfully traverses the election/restriction requirement, Applicant notes that MPEP section 803 states "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicant submits that the Examiner has not established that it would be an undue burden for the Examiner to examine all of the pending claims, and as a result, the requirement should be withdrawn.

If the election /restriction requirement is not withdrawn, then Applicant elects Species II, including the manufacturing method as illustrated in Fig. 4. It is believed that at least claims 1, 3-5, 7, 9, 11, and 17-18 read on Species II.

It is believed that no fees are due in connection with this paper. If however, any such fees are due, the Commissioner is hereby authorized to charge payment of the fees associated with this paper to Deposit Account No. 50-0585. A copy of this paper is enclosed.

Respectfully submitted,

Alm S. Rayr

Alan S. Raynes

Reg. No. 39,809

KONRAD RAYNES & VICTOR, LLP 315 South Beverly Drive, Suite 210

Beverly Hills, CA 90212

Customer No. 24033

Dated: January /8, 2005

tele general: (310) 556-7983 tele direct: (310) 871-8448 facsimile: (310) 556-7984

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>January 18, 2005</u>.

Man 5, Raying Jan 18, 200

lan S. Raynes (Dat